

DEQ: Permitting and Compliance Division		Agency/Program #: 5301-50-G1
		Division: Permitting and Compliance
		Program:
Agency Name:	Department of Environmental Quality	
Agency Contact:	Judy Hanson	444-0496
LFC Contact:	Representative Ripley, Representative Erickson	
LFD Liaison:	Barbara Smith	444-5347
OBPP Liaison:	James Chamberlain	444-1338

Program or Project Description:

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Appropriation, Expenditure and Source				
Fund Name:	2008		2009	
	Approp.	Expended	Approp.	Expended
General Fund				
State Special				
Federal Funds				
Total:	\$0	\$0	\$0	\$0

Approp & Expenditure numbers are as of April 15, 2008
 Not Provided

Legislative Goal(s):

Conduct effective water quality permit programs designed to issue complete, accurate, environmentally sound and legally defensible permits within statutory time frames..

Legislative Performance Measures :

1. Issue all permit decisions using less than 90% of the allotted statutory time frames.
2. Issue permit decisions for those actions requiring re-submittal of materials for completeness and acceptability using less than 75% of the allotted statutory time frames.

MPDES Programs

1. Conduct 22 MPDES inspections for major facilities.
2. Conduct approximately 98 inspections that target wet weather dischargers (storm water construction, CAFO'S, sanitary sewer overflow and industrial dischargers).
3. Collect up to 20 CBM effluent and stream samples; analyze the technical data for water quality, wastewater treatment and control systems. (These completed by the position funded through the BLM and housed in Miles City).
4. Conduct up to 14 CBM compliance inspections. (Utilizing the position referenced in 3, above).

PWS Programs

1. Issue 100% of required boil orders and health advisories.
2. Address 100% of violations related to treatment technique requirements, Maximum Contaminant Level violations and Significant Non-Compliers that are identified through quarterly compliance evaluations.
3. Conduct up to 520 compliance evaluations

2009 Biennium Significant Milestones:		Completion Dates	
		Target	Actual
1			
2			
3			
4			
5			

Agency Performance Report:**MPDES Program**

Hired Miles City Coal Bed Methane position 10/13/2007.

Currently 5 other WPB positions in advertising for recruitment, expect to hire by June 30, 2008. These are not the same vacancies that were reported in last measurement update 11/20/07.

WPB Inspections complete 7/1/07-4/15/08:

1. Completed 22% of MPDES major facilities.
2. Completed 41% of inspections that target wet weather discharges (16 stormwater construction, 9 CAFO's, 5 sanitary sewer overflow and 10 stormwater industrial discharges for a total of 40 inspections).
3. Completed 40% water quality stream samples.
4. 36% CBM Compliance inspections have been completed.

In all of the goals, progress is being made on completion of inspections and collection of samples. Several of the programs goals were contingent upon hiring of the BLM position that is located in Miles City. There were some issue with recruitment of the position, but in October 2007 the program was successful in getting that position filled. In addition, there was a small delay in getting the person housed in the Miles City office due to logistics with information technology requirements. The

MPDES program is making great strides in meeting the goals and performance measures identified and continue to expect to do so with recruitment and retainment of vital program positions.

PWS Program

Currently the PWS is meeting the goal of issuing 100% of the required boil orders for the TCR (Total Coliform Rule) and health advisories within 24 hours of notification of bacterial contamination by the laboratories. This is attributed to the excellent staff and cooperation between the TCR Manager and, the field offices in Kalispell and Billings responding in a timely manner. The second goal of addressing 100% of violations related to treatment technique violations, MCL's (Maximum Contaminant Levels) and SNC's (Significant Non-Compliers) identified through quarterly compliances evaluations are being addressed. The cooperation of technical staff, rule specialists, and dedicated staff has worked to address the backlog and current work load to achieve this level. There is not enough staff to implement new rules or look at trends in data to assess water quality data over a period of time. This would help to prevent possible disease outbreaks and help systems plan for future needs. The third performance measure was to conduct the full number of sanitary surveys/compliance determination required based on number of water systems that are due for review during that year. It has been determined that 520 would be required in FY2008. As of 4/26/2008 54% of evaluations have been completed with 2 months left in FY2008. In FY 2007 at least 30% of sanitary survey evaluations were done from 4/25 - 6/30. The department has a cooperative agreement with the DEQ Technical and Financial Assistance Bureau staff to perform evaluations in conjunction with their source water protection work at water supplies. There are several county contracts for performing compliance evaluations at water supplies for which the Department does not have an accounting for until the county finalizes their report and submits it to the Department. Some of these contracts are at risk of being canceled by the County Health Departments because the rising cost of doing the inspections is not completely covered by the contract payments. If these contracted services are lost, attainment of the goal may be in jeopardy.

LFD Narrative:

LFD ASSESSMENT: Critical

DATA RELEVANCE: The data received addresses some of the performance measures. There is no information regarding the timeliness of permits. This has been a major issue in the past.

APPROPRIATION STATUS: The agency has did not provide any expenditure information

COMMENTS/ISSUE: The department raises two concerns in their report. First, the lack of staff to implement new PWS rules and review water quality data over time, hampers the agencies ability to address Maximum Contaminant Leves and Significant Non-compliers. There is not a reasons as to why, whether these positions are filled and it is a workload issue or whether the positions are vacant and a recruitment issue exists. The workgroup may want to know what is the cuase of the inability to get this work done. Second, the department comments on the risk of county contracts being canceled because of the rising cost of performing evaluations at water supply sites. There is not a disucssion of what is driving the cost and why. The workgroup may wish to obtain this information. Additionally, only 54% of the PWS compliance evaluations are completed. A critical rating was provided due to the lack of expenditure in permit timeliness.

OPTIONS for the committee:

- 1) accept the ranking and receive another report, 2)accept and eliminate further follow; or 3) change the ranking to warning.



Version	Date	Author
5301-50-G1-CW-1	12/7/07	Smith
5301-50-G1-CC-2	5/21/08	Smith

Change Description